



General Assembly

***Amendment***

***February Session, 2008***

**LCO No. 4243**

**\*SB0033304243SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

To: Subst. Senate Bill No. **333**

File No. 419

Cal. No. 258

***"AN ACT CONCERNING COMPREHENSIVE ETHICS REFORMS."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 3,  
4 inclusive, of this act:

5 (1) "Public official" means public official, as defined in section 1-79  
6 of the 2008 supplement to the general statutes, a judge of any court  
7 either elected or appointed, and any elected or appointed municipal  
8 official;

9 (2) "State or municipal employee" means state employee, as defined  
10 in section 5-154 of the general statutes, and includes an employee of  
11 any quasi-public agency, as defined in section 1-120 of the general  
12 statutes, or any person, whether appointed or under contract, who  
13 provides services for a city, town or other political subdivision of the  
14 state for which a pension is provided; and

15 (3) "Crime related to state or municipal office" means any of the  
16 following criminal offenses committed by a person while serving as a  
17 public official or state or municipal employee:

18 (A) The committing, aiding or abetting of an embezzlement of  
19 public funds from the state, a municipality or a quasi-public agency;

20 (B) The committing, aiding or abetting of any felonious theft from  
21 the state, a municipality or a quasi-public agency;

22 (C) Bribery in connection with service as a public official or state or  
23 municipal employee; or

24 (D) The committing of any felony by such person who, wilfully and  
25 with the intent to defraud, realizes or obtains, or attempts to realize or  
26 obtain, a profit, gain or advantage for himself or herself or for some  
27 other person, through the use or attempted use of the power, rights,  
28 privileges or duties of his or her position as a public official or state or  
29 municipal employee.

30 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any  
31 provision of the general statutes, on or after the effective date of this  
32 section, if any person is convicted of or pleads guilty or nolo  
33 contendere to any crime related to state or municipal office in state  
34 criminal or federal criminal court, the Attorney General shall apply to  
35 the Superior Court for an order to revoke or reduce the pension of any  
36 kind to which such person is otherwise entitled under the general  
37 statutes for service as a public official or state or municipal employee.

38 (b) In determining whether the pension shall be revoked or reduced,  
39 the Superior Court shall consider and make findings on the following  
40 factors:

41 (1) The severity of the crime related to state or municipal office for  
42 which the person has been convicted or to which the person has pled  
43 guilty or nolo contendere;

44 (2) The amount of monetary loss suffered by the state, a

45 municipality or a quasi-public agency or by any other person as a  
46 result of the crime related to state or municipal office;

47 (3) The degree of public trust reposed in the person by virtue of the  
48 person's position as a public official or state or municipal employee;

49 (4) If the crime related to state or municipal office was part of a  
50 fraudulent scheme against the state or a municipality, the role of the  
51 person in the fraudulent scheme against the state or a municipality;  
52 and

53 (5) Any such other factors as, in the judgment of the Superior Court,  
54 justice may require.

55 (c) If the court determines, or the Attorney General certifies, that a  
56 public official or state or municipal employee, who was convicted of or  
57 pled guilty or nolo contendere to a crime related to state or municipal  
58 office, voluntarily provided information to the Attorney General, the  
59 Auditors of Public Accounts or any state, federal or local law  
60 enforcement official concerning the commission of such crime related  
61 to state or municipal office by another public official or state or  
62 municipal employee who had a greater degree of culpability for such  
63 crime than the public official or state or municipal employee providing  
64 such information, the court shall not reduce or revoke the pension of  
65 such public official or state or municipal employee, provided such  
66 public official or state or municipal employee voluntarily provided  
67 such information prior to learning of a criminal investigation into such  
68 crime related to state or municipal office.

69 (d) If the Superior Court determines that the pension of a person  
70 should be reduced, it may, after taking into consideration the financial  
71 needs and resources of any innocent spouse, dependents and  
72 designated beneficiaries of the person, order that some or all of the  
73 reduced pension be paid to any such innocent spouse, dependent or  
74 beneficiary as justice may require.

75 (e) If the Superior Court determines that the pension of such person

76 should not be revoked or reduced, it shall order that the retirement or  
77 other benefit or payment be made to such person.

78 (f) If any provision, clause or phrase of this section or of any order  
79 or any action of the Attorney General hereunder is adjudged by any  
80 court of competent jurisdiction to be invalid, or if the applicability  
81 thereof to any person or circumstance is held invalid, such judgment  
82 shall not invalidate the remainder of this section or such order or  
83 action, and the applicability thereof to other persons and  
84 circumstances shall not be affected thereby.

85 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose pension  
86 is revoked pursuant to section 2 of this act shall be entitled to a return  
87 of his or her contribution paid into the relevant pension fund, without  
88 interest.

89 (b) Notwithstanding the provisions of subsection (a) of this section,  
90 no payments in return of contributions shall be made or ordered  
91 unless and until the Superior Court determines that the person whose  
92 pension has been revoked pursuant to section 2 of this act has satisfied  
93 in full any judgments or orders rendered by any court of competent  
94 jurisdiction for the payment of restitution to the state or a municipality  
95 for losses incurred as a result of the crime related to state or municipal  
96 office. If the Superior Court determines that the person whose pension  
97 has been revoked under section 2 of this act has failed to satisfy any  
98 outstanding judgment or order of restitution rendered by any court of  
99 competent jurisdiction, it may order that any funds otherwise due to  
100 such person as a return of contribution, or any portion thereof, be paid  
101 in satisfaction of the judgment or order.

102 (c) No provision of section 2 of this act or this section shall be  
103 construed to prohibit or limit any payment made pursuant to a  
104 qualified domestic relations order issued prior to any such conviction  
105 or plea by: (1) Any public official or state or municipal employee who  
106 is convicted of or pleads guilty or nolo contendere to any crime related  
107 to state or municipal office; or (2) any state or municipal agency

108 responsible for the administration of such payment on behalf of such  
109 public official or state or municipal employee.

110 (d) Notwithstanding the provisions of section 2 of this act, no  
111 pension shall be reduced or revoked if the Internal Revenue Service  
112 determines that such reduction or revocation will negatively affect or  
113 invalidate the status of the state's government retirement plans or a  
114 municipality's government retirement plans under Section 401(a) of  
115 the Internal Revenue Code of 1986, or any subsequent corresponding  
116 internal revenue code of the United States, as from time to time  
117 amended.

118 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) A public servant is guilty  
119 of failure to report bribery when the public servant: (1) Witnesses what  
120 the public servant knows or reasonably should know is the promise,  
121 offer, conferring or agreement to confer upon any public servant any  
122 benefit as consideration for any such public servant's decision,  
123 opinion, recommendation or vote; and (2) does not, as soon as  
124 reasonably practicable, report such crime to a law enforcement agency.  
125 For the purposes of this section, "public servant" and "benefit",  
126 respectively, mean "public servant" and "benefit", as defined in section  
127 53a-146 of the general statutes, as amended by this act.

128 (b) Failure to report bribery is a class A misdemeanor.

129 Sec. 5. Section 53a-146 of the general statutes is repealed and the  
130 following is substituted in lieu thereof (*Effective October 1, 2008*):

131 For purposes of this part:

132 (1) An "official proceeding" is any proceeding held or which may be  
133 held before any legislative, judicial, administrative or other agency or  
134 official authorized to take evidence under oath, including any referee,  
135 hearing examiner, commissioner or notary or other person taking  
136 evidence in connection with any proceeding.

137 (2) "Benefit" means monetary advantage, or anything regarded by

138 the beneficiary as a monetary advantage, including benefit to any  
139 person or entity in whose welfare the beneficiary is interested.

140 (3) "Public servant" is an officer or employee of government or a  
141 quasi-public agency, as defined in section 1-120, elected or appointed,  
142 and any person participating as advisor, consultant or otherwise, paid  
143 or unpaid, in performing a governmental function.

144 (4) "Government" includes any branch, subdivision or agency of the  
145 state or any locality within it.

146 (5) "Labor official" means any duly appointed or elected  
147 representative of a labor organization or any duly appointed or elected  
148 trustee or representative of an employee welfare trust fund.

149 (6) "Witness" is any person summoned, or who may be summoned,  
150 to give testimony in an official proceeding.

151 (7) "Juror" is any person who has been drawn or summoned to serve  
152 or act as a juror in any court.

153 (8) "Physical evidence" means any article, object, document, record  
154 or other thing of physical substance which is or is about to be  
155 produced or used as evidence in an official proceeding.

156 (9) "Person selected to be a public servant" means any person who  
157 has been nominated or appointed to be a public servant.

158 Sec. 6. (NEW) (*Effective from passage*) Not later than December 31,  
159 2010, the Office of State Ethics shall establish and administer a  
160 program of mandatory training on the code of ethics for public officials  
161 as set forth in chapter 10 of the general statutes. Such program shall  
162 provide such training to members of the General Assembly upon first  
163 election to the General Assembly, and for all members of the General  
164 Assembly every four years beginning in 2011, except that, in the event  
165 there is a significant revision of the code of ethics for public officials, as  
166 determined by the Joint Committee on Legislative Management, said  
167 committee shall request that the Office of State Ethics conduct a

168 training for all members of the General Assembly before the date of the  
169 next regularly scheduled training.

170 Sec. 7. Subsection (k) of section 1-79 of the 2008 supplement to the  
171 general statutes is repealed and the following is substituted in lieu  
172 thereof (*Effective July 1, 2008*):

173 (k) "Public official" means any state-wide elected officer, any  
174 member or member-elect of the General Assembly, any person  
175 appointed to any office of the legislative, judicial or executive branch  
176 of state government by the Governor or an appointee of the Governor,  
177 with or without the advice and consent of the General Assembly, any  
178 public member or representative of the teachers' unions or state  
179 employees' unions appointed to the Investment Advisory Council  
180 pursuant to subsection (a) of section 3-13b, any person appointed or  
181 elected by the General Assembly or by any member of either house  
182 thereof, [and] any member or director of a quasi-public agency and the  
183 spouse of the Governor, but shall not include a member of an advisory  
184 board, a judge of any court either elected or appointed or a senator or  
185 representative in Congress.

186 Sec. 8. Section 1-225 of the 2008 supplement to the general statutes is  
187 repealed and the following is substituted in lieu thereof (*Effective July*  
188 *1, 2008*):

189 (a) The meetings of all public agencies, except executive sessions, as  
190 defined in subdivision (6) of section 1-200, shall be open to the public.  
191 The votes of each member of any such public agency upon any issue  
192 before such public agency shall be reduced to writing and made  
193 available for public inspection within forty-eight hours and shall also  
194 be recorded in the minutes of the session at which taken. [, which]  
195 Within seven days of the session to which such minutes refer, such  
196 minutes shall be available for public inspection [within seven days of  
197 the session to which they refer] and posted on such public agency's  
198 Internet web site, if available.

199 (b) Each such public agency of the state shall file not later than

200 January thirty-first of each year in the office of the Secretary of the  
201 State the schedule of the regular meetings of such public agency for the  
202 ensuing year and shall post such schedule on such public agency's  
203 Internet web site, if available, except that such [provision]  
204 requirements shall not apply to the General Assembly, either house  
205 thereof or to any committee thereof. Any other provision of the  
206 Freedom of Information Act notwithstanding, the General Assembly at  
207 the commencement of each regular session in the odd-numbered years,  
208 shall adopt, as part of its joint rules, rules to provide notice to the  
209 public of its regular, special, emergency or interim committee  
210 meetings. The chairperson or secretary of any such public agency of  
211 any political subdivision of the state shall file, not later than January  
212 thirty-first of each year, with the clerk of such subdivision the schedule  
213 of regular meetings of such public agency for the ensuing year, and no  
214 such meeting of any such public agency shall be held sooner than  
215 thirty days after such schedule has been filed. The chief executive  
216 officer of any multitown district or agency shall file, not later than  
217 January thirty-first of each year, with the clerk of each municipal  
218 member of such district or agency, the schedule of regular meetings of  
219 such public agency for the ensuing year, and no such meeting of any  
220 such public agency shall be held sooner than thirty days after such  
221 schedule has been filed.

222 (c) The agenda of the regular meetings of every public agency,  
223 except for the General Assembly, shall be available to the public and  
224 shall be filed, not less than twenty-four hours before the meetings to  
225 which they refer, (1) in such agency's regular office or place of  
226 business, and (2) in the office of the Secretary of the State for any such  
227 public agency of the state, in the office of the clerk of such subdivision  
228 for any public agency of a political subdivision of the state or in the  
229 office of the clerk of each municipal member of any multitown district  
230 or agency. For any such public agency of the state, such agenda shall  
231 be posted on the public agency's and the Secretary of the State's web  
232 sites. Upon the affirmative vote of two-thirds of the members of a  
233 public agency present and voting, any subsequent business not



234 included in such filed agendas may be considered and acted upon at  
235 such meetings.

236 (d) Notice of each special meeting of every public agency, except for  
237 the General Assembly, either house thereof or any committee thereof,  
238 shall be posted not less than twenty-four hours before the meeting to  
239 which such notice refers on the public agency's Internet web site, if  
240 available, and given not less than twenty-four hours prior to the time  
241 of such meeting by filing a notice of the time and place thereof in the  
242 office of the Secretary of the State for any such public agency of the  
243 state, in the office of the clerk of such subdivision for any public  
244 agency of a political subdivision of the state and in the office of the  
245 clerk of each municipal member for any multitown district or agency.  
246 The secretary or clerk shall cause any notice received under this section  
247 to be posted in his office. Such notice shall be given not less than  
248 twenty-four hours prior to the time of the special meeting; provided, in  
249 case of emergency, except for the General Assembly, either house  
250 thereof or any committee thereof, any such special meeting may be  
251 held without complying with the foregoing requirement for the filing  
252 of notice but a copy of the minutes of every such emergency special  
253 meeting adequately setting forth the nature of the emergency and the  
254 proceedings occurring at such meeting shall be filed with the Secretary  
255 of the State, the clerk of such political subdivision, or the clerk of each  
256 municipal member of such multitown district or agency, as the case  
257 may be, not later than seventy-two hours following the holding of such  
258 meeting. The notice shall specify the time and place of the special  
259 meeting and the business to be transacted. No other business shall be  
260 considered at such meetings by such public agency. In addition, such  
261 written notice shall be delivered to the usual place of abode of each  
262 member of the public agency so that the same is received prior to such  
263 special meeting. The requirement of delivery of such written notice  
264 may be dispensed with as to any member who at or prior to the time  
265 the meeting convenes files with the clerk or secretary of the public  
266 agency a written waiver of delivery of such notice. Such waiver may be  
267 given by telegram. The requirement of delivery of such written notice

268 may also be dispensed with as to any member who is actually present  
269 at the meeting at the time it convenes. Nothing in this section shall be  
270 construed to prohibit any agency from adopting more stringent notice  
271 requirements.

272 (e) No member of the public shall be required, as a condition to  
273 attendance at a meeting of any such body, to register the member's  
274 name, or furnish other information, or complete a questionnaire or  
275 otherwise fulfill any condition precedent to the member's attendance.

276 (f) A public agency may hold an executive session, as defined in  
277 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds  
278 of the members of such body present and voting, taken at a public  
279 meeting and stating the reasons for such executive session, as defined  
280 in section 1-200.

281 (g) In determining the time within which or by when a notice,  
282 agenda, record of votes or minutes of a special meeting or an  
283 emergency special meeting are required to be filed under this section,  
284 Saturdays, Sundays, legal holidays and any day on which the office of  
285 the agency, the Secretary of the State or the clerk of the applicable  
286 political subdivision or the clerk of each municipal member of any  
287 multitown district or agency, as the case may be, is closed, shall be  
288 excluded.

289 Sec. 9. Section 9-622 of the general statutes is repealed and the  
290 following is substituted in lieu thereof (*Effective July 1, 2008*):

291 The following persons shall be guilty of illegal practices and shall be  
292 punished in accordance with the provisions of section 9-623:

293 (1) Any person who, directly or indirectly, individually or by  
294 another person, gives or offers or promises to any person any money,  
295 gift, advantage, preferment, entertainment, aid, emolument or other  
296 valuable thing for the purpose of inducing or procuring any person to  
297 sign a nominating, primary or referendum petition or to vote or refrain  
298 from voting for or against any person or for or against any measure at

299 any election, caucus, convention, primary or referendum;

300 (2) Any person who, directly or indirectly, receives, accepts,  
301 requests or solicits from any person, committee, association,  
302 organization or corporation, any money, gift, advantage, preferment,  
303 aid, emolument or other valuable thing for the purpose of inducing or  
304 procuring any person to sign a nominating, primary or referendum  
305 petition or to vote or refrain from voting for or against any person or  
306 for or against any measure at any such election, caucus, primary or  
307 referendum;

308 (3) Any person who, in consideration of any money, gift, advantage,  
309 preferment, aid, emolument or other valuable thing paid, received,  
310 accepted or promised to the person's advantage or any other person's  
311 advantage, votes or refrains from voting for or against any person or  
312 for or against any measure at any such election, caucus, primary or  
313 referendum;

314 (4) Any person who solicits from any candidate any money, gift,  
315 contribution, emolument or other valuable thing for the purpose of  
316 using the same for the support, assistance, benefit or expenses of any  
317 club, company or organization, or for the purpose of defraying the cost  
318 or expenses of any political campaign, primary, referendum or  
319 election;

320 (5) Any person who, directly or indirectly, pays, gives, contributes  
321 or promises any money or other valuable thing to defray or towards  
322 defraying the cost or expenses of any campaign, primary, referendum  
323 or election to any person, committee, company, club, organization or  
324 association, other than to a campaign treasurer, except that this  
325 subdivision shall not apply to any expenses for postage, telegrams,  
326 telephoning, stationery, express charges, traveling, meals, lodging or  
327 photocopying incurred by any candidate for office or for nomination to  
328 office, so far as may be permitted under the provisions of this chapter;

329 (6) Any person who, in order to secure or promote the person's own  
330 nomination or election as a candidate, or that of any other person,

331 directly or indirectly, promises to appoint, or promises to secure or  
332 assist in securing the appointment, nomination or election of any other  
333 person to any public position, or to any position of honor, trust or  
334 emolument; but any person may publicly announce the person's own  
335 choice or purpose in relation to any appointment, nomination or  
336 election in which the person may be called to take part, if the person is  
337 nominated for or elected to such office;

338 (7) Any person who, directly or indirectly, individually or through  
339 another person, makes a payment or promise of payment to a  
340 campaign treasurer in a name other than the person's own, and any  
341 campaign treasurer who knowingly receives a payment or promise of  
342 payment, or enters or causes the same to be entered in the person's  
343 accounts in any other name than that of the person by whom such  
344 payment or promise of payment is made;

345 (8) Any person who knowingly and wilfully violates any provision  
346 of this chapter;

347 (9) Any person who offers or receives a cash contribution in excess  
348 of one hundred dollars to promote the success or defeat of any political  
349 party, candidate or referendum question;

350 (10) Any person who solicits, makes or receives a contribution that  
351 is otherwise prohibited by any provision of this chapter;

352 (11) Any department head or deputy department head of a state  
353 department who solicits a contribution on behalf of, or for the benefit  
354 of, any candidate for state, district or municipal office or any political  
355 party;

356 (12) Any municipal employee who solicits a contribution on behalf  
357 of, or for the benefit of, any candidate for state, district or municipal  
358 office, any political committee or any political party, from (A) an  
359 individual under the supervision of such employee, or (B) the spouse  
360 or a dependent child of such individual; [or]

361 (13) Any person who makes a coordinated expenditure for a  
362 candidate without the knowledge of said candidate. No candidate  
363 shall be civilly or criminally liable with regard to any such coordinated  
364 expenditure;

365 (14) Any chief of staff of a legislative caucus who solicits a  
366 contribution on behalf of or for the benefit of any candidate for state,  
367 district or municipal office from an employee of the legislative caucus;

368 (15) Any chief of staff for a state-wide elected official who solicits a  
369 contribution on behalf of or for the benefit of any candidate for state,  
370 district or municipal office from a member of such official's staff; or

371 (16) Any chief of staff for the Governor or Lieutenant Governor who  
372 solicits a contribution on behalf of or for the benefit of any candidate  
373 for state, district or municipal office from a member of the staff of the  
374 Governor or Lieutenant Governor, or from any commissioner or  
375 deputy commissioner of any state agency.

376 Sec. 10. Subsection (e) of section 1-79 of the 2008 supplement to the  
377 general statutes is repealed and the following is substituted in lieu  
378 thereof (*Effective July 1, 2008*):

379 (e) "Gift" means anything of value, which is directly and personally  
380 received, unless consideration of equal or greater value is given in  
381 return. "Gift" shall not include:

382 (1) A political contribution otherwise reported as required by law or  
383 a donation or payment as described in subdivision (9) or (10) of  
384 subsection (b) of section 9-601a;

385 (2) Services provided by persons volunteering their time, if  
386 provided to aid or promote the success or defeat of any political party,  
387 any candidate or candidates for public office or the position of  
388 convention delegate or town committee member or any referendum  
389 question;

390 (3) A commercially reasonable loan made on terms not more

391 favorable than loans made in the ordinary course of business;

392 (4) A gift received from (A) an individual's spouse, fiance or fiancée,  
393 (B) the parent, brother or sister of such spouse or such individual, or  
394 (C) the child of such individual or the spouse of such child;

395 (5) Goods or services (A) which are provided to a state agency or  
396 quasi-public agency (i) for use on state or quasi-public agency  
397 property, or (ii) that support an event, and (B) which facilitate state or  
398 quasi-public agency action or functions. As used in this subdivision,  
399 "state property" means (i) property owned by the state or a quasi-  
400 public agency, or (ii) property leased to a state agency or quasi-public  
401 agency;

402 (6) A certificate, plaque or other ceremonial award costing less than  
403 one hundred dollars;

404 (7) A rebate, discount or promotional item available to the general  
405 public;

406 (8) Printed or recorded informational material germane to state  
407 action or functions;

408 (9) Food or beverage or both, costing less than fifty dollars in the  
409 aggregate per recipient in a calendar year, and consumed on an  
410 occasion or occasions at which the person paying, directly or  
411 indirectly, for the food or beverage, or his representative, is in  
412 attendance;

413 (10) Food or beverage or both, costing less than fifty dollars per  
414 person and consumed at a publicly noticed legislative reception to  
415 which all members of the General Assembly are invited and which is  
416 hosted not more than once in any calendar year by a lobbyist or  
417 business organization. For the purposes of such limit, (A) a reception  
418 hosted by a lobbyist who is an individual shall be deemed to have also  
419 been hosted by the business organization which he owns or is  
420 employed by, and (B) a reception hosted by a business organization

421 shall be deemed to have also been hosted by all owners and employees  
422 of the business organization who are lobbyists. In making the  
423 calculation for the purposes of such fifty-dollar limit, the donor shall  
424 divide the amount spent on food and beverage by the number of  
425 persons whom the donor reasonably expects to attend the reception;

426 (11) Food or beverage or both, costing less than fifty dollars per  
427 person and consumed at a publicly noticed reception to which all  
428 members of the General Assembly from a region of the state are  
429 invited and which is hosted not more than once in any calendar year  
430 by a lobbyist or business organization. For the purposes of such limit,  
431 (A) a reception hosted by a lobbyist who is an individual shall be  
432 deemed to have also been hosted by the business organization which  
433 he owns or is employed by, and (B) a reception hosted by a business  
434 organization shall be deemed to have also been hosted by all owners  
435 and employees of the business organization who are lobbyists. In  
436 making the calculation for the purposes of such fifty-dollar limit, the  
437 donor shall divide the amount spent on food and beverage by the  
438 number of persons whom the donor reasonably expects to attend the  
439 reception. As used in this subdivision, "region of the state" means the  
440 established geographic service area of the organization hosting the  
441 reception;

442 (12) A gift, including but not limited to, food or beverage or both,  
443 provided by an individual for the celebration of a major life event,  
444 provided any such gift provided by an individual who is not a  
445 member of the family of the recipient shall not exceed one thousand  
446 dollars in value;

447 (13) Gifts costing less than one hundred dollars in the aggregate or  
448 food or beverage provided at a hospitality suite at a meeting or  
449 conference of an interstate legislative association, by a person who is  
450 not a registrant or is not doing business with the state of Connecticut;

451 (14) Admission to a charitable or civic event, including food and  
452 beverage provided at such event, but excluding lodging or travel

453 expenses, at which a public official or state employee participates in  
454 his official capacity, provided such admission is provided by the  
455 primary sponsoring entity;

456 (15) Anything of value provided by an employer of (A) a public  
457 official, (B) a state employee, or (C) a spouse of a public official or state  
458 employee, to such official, employee or spouse, provided such benefits  
459 are customarily and ordinarily provided to others in similar  
460 circumstances;

461 (16) Anything having a value of not more than ten dollars, provided  
462 the aggregate value of all things provided by a donor to a recipient  
463 under this subdivision in any calendar year shall not exceed fifty  
464 dollars; or

465 (17) Training that is provided by a vendor for a product purchased  
466 by a state or quasi-public agency which is offered to all customers of  
467 such vendor.

468 Sec. 11. Subsection (g) of section 1-91 of the 2008 supplement to the  
469 general statutes is repealed and the following is substituted in lieu  
470 thereof (*Effective July 1, 2008*):

471 (g) "Gift" means anything of value, which is directly and personally  
472 received, unless consideration of equal or greater value is given in  
473 return. "Gift" shall not include:

474 (1) A political contribution otherwise reported as required by law or  
475 a donation or payment described in subdivision (9) or (10) of  
476 subsection (b) of section 9-601a;

477 (2) Services provided by persons volunteering their time, if  
478 provided to aid or promote the success or defeat of any political party,  
479 any candidate or candidates for public office or the position of  
480 convention delegate or town committee member or any referendum  
481 question;

482 (3) A commercially reasonable loan made on terms not more



483 favorable than loans made in the ordinary course of business;

484 (4) A gift received from (A) the individual's spouse, fiancé or  
485 fiancée, (B) the parent, brother or sister of such spouse or such  
486 individual, or (C) the child of such individual or the spouse of such  
487 child;

488 (5) Goods or services (A) which are provided to a state agency or  
489 quasi-public agency (i) for use on state or quasi-public agency  
490 property, or (ii) that support an event, and (B) which facilitate state or  
491 quasi-public agency action or functions. As used in this subdivision,  
492 "state property" means (i) property owned by the state or a quasi-  
493 public agency, or (ii) property leased to a state or quasi-public agency;

494 (6) A certificate, plaque or other ceremonial award costing less than  
495 one hundred dollars;

496 (7) A rebate, discount or promotional item available to the general  
497 public;

498 (8) Printed or recorded informational material germane to state  
499 action or functions;

500 (9) Food or beverage or both, costing less than fifty dollars in the  
501 aggregate per recipient in a calendar year, and consumed on an  
502 occasion or occasions at which the person paying, directly or  
503 indirectly, for the food or beverage, or his representative, is in  
504 attendance;

505 (10) Food or beverage or both, costing less than fifty dollars per  
506 person and consumed at a publicly noticed legislative reception to  
507 which all members of the General Assembly are invited and which is  
508 hosted not more than once in any calendar year by a lobbyist or  
509 business organization. For the purposes of such limit, (A) a reception  
510 hosted by a lobbyist who is an individual shall be deemed to have also  
511 been hosted by the business organization which he owns or is  
512 employed by, and (B) a reception hosted by a business organization

513 shall be deemed to have also been hosted by all owners and employees  
514 of the business organization who are lobbyists. In making the  
515 calculation for the purposes of such fifty-dollar limit, the donor shall  
516 divide the amount spent on food and beverage by the number of  
517 persons whom the donor reasonably expects to attend the reception;

518 (11) Food or beverage or both, costing less than fifty dollars per  
519 person and consumed at a publicly noticed reception to which all  
520 members of the General Assembly from a region of the state are  
521 invited and which is hosted not more than once in any calendar year  
522 by a lobbyist or business organization. For the purposes of such limit,  
523 (A) a reception hosted by a lobbyist who is an individual shall be  
524 deemed to have also been hosted by the business organization which  
525 he owns or is employed by, and (B) a reception hosted by a business  
526 organization shall be deemed to have also been hosted by all owners  
527 and employees of the business organization who are lobbyists. In  
528 making the calculation for the purposes of such fifty-dollar limit, the  
529 donor shall divide the amount spent on food and beverage by the  
530 number of persons whom the donor reasonably expects to attend the  
531 reception. As used in this subdivision, "region of the state" means the  
532 established geographic service area of the organization hosting the  
533 reception;

534 (12) A gift, including, but not limited to, food or beverage or both,  
535 provided by an individual for the celebration of a major life event,  
536 provided any such gift provided by an individual who is not a  
537 member of the family of the recipient shall not exceed one thousand  
538 dollars in value;

539 (13) Gifts costing less than one hundred dollars in the aggregate or  
540 food or beverage provided at a hospitality suite at a meeting or  
541 conference of an interstate legislative association, by a person who is  
542 not a registrant or is not doing business with the state of Connecticut;

543 (14) Admission to a charitable or civic event, including food and  
544 beverage provided at such event, but excluding lodging or travel

545 expenses, at which a public official or state employee participates in  
546 his official capacity, provided such admission is provided by the  
547 primary sponsoring entity;

548 (15) Anything of value provided by an employer of (A) a public  
549 official, (B) a state employee, or (C) a spouse of a public official or state  
550 employee, to such official, employee or spouse, provided such benefits  
551 are customarily and ordinarily provided to others in similar  
552 circumstances;

553 (16) Anything having a value of not more than ten dollars, provided  
554 the aggregate value of all things provided by a donor to a recipient  
555 under this subdivision in any calendar year shall not exceed fifty  
556 dollars; or

557 (17) Training that is provided by a vendor for a product purchased  
558 by a state or quasi-public agency which is offered to all customers of  
559 such vendor.

560 Sec. 12. Subsection (f) of section 1-84b of the general statutes is  
561 repealed and the following is substituted in lieu thereof (*Effective July*  
562 *1, 2008*):

563 (f) No former public official or state employee (1) who participated  
564 substantially in the negotiation or award of (A) a state contract valued  
565 at an amount of fifty thousand dollars or more, or (B) a written  
566 agreement for the approval of a payroll deduction slot described in  
567 section 3-123g, or (2) who supervised the negotiation or award of such  
568 a contract or agreement, shall accept employment with a party to the  
569 contract or agreement other than the state for a period of one year after  
570 his resignation from his state office or position if his resignation occurs  
571 less than one year after the contract or agreement is signed. No party  
572 to such a contract or agreement other than the state shall employ any  
573 such former public official or state employee in violation of this  
574 subsection.

575 Sec. 13. Subsections (a) and (b) of section 1-82 of the general statutes

576 are repealed and the following is substituted in lieu thereof (*Effective*  
577 *from passage*):

578 (a) (1) Upon the complaint of any person on a form prescribed by  
579 the board, signed under penalty of false statement, or upon its own  
580 complaint, the ethics enforcement officer of the Office of State Ethics  
581 shall investigate any alleged violation of this part or section 1-101nn of  
582 the 2008 supplement to the general statutes. Not later than five days  
583 after the receipt or issuance of such complaint, the board shall provide  
584 notice of such receipt or issuance and a copy of the complaint by  
585 registered or certified mail to any respondent against whom such  
586 complaint is filed and shall provide notice of the receipt of such  
587 complaint to the complainant. When the ethics enforcement officer of  
588 the Office of State Ethics undertakes an evaluation of a possible  
589 violation of this part or section 1-101nn of the 2008 supplement to the  
590 general statutes prior to the filing of a complaint, the subject of the  
591 evaluation shall be notified not later than five business days after an  
592 Office of State Ethics staff member's first contact with a third party  
593 concerning the matter.

594 (2) In the conduct of its investigation of an alleged violation of this  
595 part or section 1-101nn of the 2008 supplement to the general statutes,  
596 the Office of State Ethics shall have the power to hold hearings,  
597 administer oaths, examine witnesses [,] and receive oral and  
598 documentary evidence. [,] The Office of State Ethics may subpoena  
599 witnesses under procedural rules adopted by the Citizen's Ethics  
600 Advisory Board as regulations in accordance with the provisions of  
601 chapter 54 to compel attendance before the Office of State Ethics and to  
602 require the production for examination by the ethics enforcement  
603 officer of the Office of State Ethics of any books and papers which the  
604 Office of State Ethics deems relevant in any matter under investigation  
605 or in question, provided any such subpoena is issued either pursuant  
606 to a majority vote of the Citizen's Ethics Advisory Board or pursuant to  
607 the signature of the chairperson of such board. The vice-chairperson of  
608 such board may sign any such subpoena if the chairperson of such  
609 board is unavailable. In the exercise of such powers, the Office of State

610 Ethics may use the services of the state police, who shall provide the  
611 same upon the office's request. The Office of State Ethics shall make a  
612 record of all proceedings conducted pursuant to this subsection. The  
613 ethics enforcement officer of the Office of State Ethics may bring any  
614 alleged violation of this part before a judge trial referee assigned by the  
615 Chief Court Administrator for such purpose for a probable cause  
616 hearing. Such judge trial referee shall be compensated in accordance  
617 with the provisions of section 52-434 from such funds as may be  
618 available to the Office of State Ethics. Any witness summoned before  
619 the Office of State Ethics or a judge trial referee pursuant to this  
620 subsection shall receive the witness fee paid to witnesses in the courts  
621 of this state. During any investigation conducted pursuant to this  
622 subsection or any probable cause hearing conducted pursuant to this  
623 subsection, the respondent shall have the right to appear and be heard  
624 and to offer any information which may tend to clear the respondent  
625 of probable cause to believe the respondent has violated any provision  
626 of this part or section 1-101nn of the 2008 supplement to the general  
627 statutes. The respondent shall also have the right to be represented by  
628 legal counsel and to examine and cross-examine witnesses. Not later  
629 than ten days prior to the commencement of any hearing conducted  
630 pursuant to this subsection, the Office of State Ethics shall provide the  
631 respondent with a list of its intended witnesses. Any finding of  
632 probable cause to believe the respondent is in violation of any  
633 provisions of this part shall be made by a judge trial referee not later  
634 than thirty days after the ethics enforcement officer brings such alleged  
635 violation before such judge trial referee, except that such thirty-day  
636 limitation period shall not apply if the judge trial referee determines  
637 that good cause exists for extending such limitation period.

638 (b) If a judge trial referee determines that probable cause exists for  
639 the violation of a provision of this part or section 1-101nn of the 2008  
640 supplement to the general statutes, the board shall initiate hearings to  
641 determine whether there has been a violation of this part or section 1-  
642 101nn of the 2008 supplement to the general statutes. Any such  
643 hearing shall be initiated by the board not later than thirty days after

644 the finding of probable cause by a judge trial referee and shall be  
645 concluded not later than ninety days after its initiation, except that  
646 such thirty or ninety-day limitation period shall not apply if the judge  
647 trial referee determines that good cause exists for extending such  
648 limitation period. A judge trial referee, who has not taken part in the  
649 probable cause determination on the matter shall be assigned by the  
650 Chief Court Administrator and shall be compensated in accordance  
651 with section 52-434 out of funds available to the Office of State Ethics  
652 and shall preside over such hearing and rule on all issues concerning  
653 the application of the rules of evidence, which shall be the same as in  
654 judicial proceedings. The trial referee shall have no vote in any  
655 decision of the board. All hearings of the board held pursuant to this  
656 subsection shall be open. At such hearing the board shall have the  
657 same powers as the Office of State Ethics under subsection (a) of this  
658 section and the respondent shall have the right to be represented by  
659 legal counsel, the right to compel attendance of witnesses and the  
660 production of books, documents, records and papers and to examine  
661 and cross-examine witnesses. Not later than ten days prior to the  
662 commencement of any hearing conducted pursuant to this subsection,  
663 the Office of State Ethics shall provide the respondent with a list of its  
664 intended witnesses. The judge trial referee shall, while engaged in the  
665 discharge of the duties as provided in this subsection, have the same  
666 authority as is provided in section 51-35 over witnesses who refuse to  
667 obey a subpoena or to testify with respect to any matter upon which  
668 such witness may be lawfully interrogated, and may commit any such  
669 witness for contempt for a period no longer than thirty days. The  
670 Office of State Ethics shall make a record of all proceedings pursuant  
671 to this subsection. During the course of any such hearing, no ex-parte  
672 communication shall occur between the board, or any of its members,  
673 and: (1) The judge trial referee, or (2) any staff member of the  
674 Enforcement Division of the Office of State Ethics, concerning the  
675 complaint or the respondent. The board shall find no person in  
676 violation of any provision of this part or section 1-101nn of the 2008  
677 supplement to the general statutes except upon the concurring vote of  
678 six of its members present and voting. No member of the board shall

679 vote on the question of whether a violation of any provision of this  
680 part has occurred unless such member was physically present for the  
681 duration of any hearing held pursuant to this subsection. Not later  
682 than fifteen days after the public hearing conducted in accordance with  
683 this subsection, the board shall publish its finding and a memorandum  
684 of the reasons therefor. Such finding and memorandum shall be  
685 deemed to be the final decision of the board on the matter for the  
686 purposes of chapter 54. The respondent, if aggrieved by the finding  
687 and memorandum, may appeal therefrom to the Superior Court in  
688 accordance with the provisions of section 4-183.

689       Sec. 14. Subsections (a) and (b) of section 1-93 of the general statutes  
690 are repealed and the following is substituted in lieu thereof (*Effective*  
691 *from passage*):

692       (a) (1) Upon the complaint of any person on a form prescribed by  
693 the Office of State Ethics, signed under penalty of false statement, or  
694 upon its own complaint, the ethics enforcement officer of the Office of  
695 State Ethics shall investigate any alleged violation of this part. Not  
696 later than five days after the receipt or issuance of such complaint, the  
697 Office of State Ethics shall provide notice of such receipt or issuance  
698 and a copy of the complaint by registered or certified mail to any  
699 respondent against whom such complaint is filed and shall provide  
700 notice of the receipt of such complaint to the complainant. When the  
701 Office of State Ethics undertakes an evaluation of a possible violation  
702 of this part prior to the filing of a complaint, the subject of the  
703 evaluation shall be notified not later than five business days after a  
704 staff member of the Office of State Ethics undertakes the first contact  
705 with a third party concerning the matter.

706       (2) In the conduct of its investigation of an alleged violation of this  
707 part, the Office of State Ethics shall have the power to hold hearings,  
708 administer oaths, examine witnesses [ ] and receive oral and  
709 documentary evidence. [ ] The Office of State Ethics may subpoena  
710 witnesses under procedural rules adopted by the Citizen's Ethics  
711 Advisory Board as regulations in accordance with the provisions of

chapter 54 to compel attendance before the Office of State Ethics and to require the production for examination by the ethics enforcement officer of the Office of State Ethics of any books and papers which the ethics enforcement officer of the Office of State Ethics deems relevant in any matter under investigation or in question, provided any such subpoena is issued either pursuant to a majority vote of the Citizen's Ethics Advisory Board or pursuant to the signature of the chairperson of such board. The vice-chairperson of such board may sign any such subpoena if the chairperson of such board is unavailable. In the exercise of such powers, the Office of State Ethics may use the services of the state police, who shall provide the same upon the office's request. The Office of State Ethics shall make a record of all proceedings conducted pursuant to this subsection. Any witness summoned before the Office of State Ethics or a judge trial referee pursuant to this subsection shall receive the witness fee paid to witnesses in the courts of this state. The ethics enforcement officer of the Office of State Ethics may bring any alleged violation of this part before a judge trial referee assigned by the Chief Court Administrator for such purpose for a probable cause hearing. Such judge trial referee shall be compensated in accordance with the provisions of section 52-434 from such funds as may be available to the Office of State Ethics. The respondent shall have the right to appear at any hearing held pursuant to this subsection and be heard and to offer any information which may tend to clear the respondent of probable cause to believe the respondent has violated any provision of this part. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses. Not later than ten days prior to the commencement of any hearing conducted pursuant to this subsection, the Office of State Ethics shall provide the respondent with a list of its intended witnesses. Any finding of probable cause to believe the respondent is in violation of any provision of this part shall be made by a judge trial referee not later than thirty days after the ethics enforcement officer brings such alleged violation before such judge trial referee, except that such thirty-day limitation period shall not apply if the judge trial referee determines that good cause exists for



747 extending such limitation period.

748 (b) If a judge trial referee indicates that probable cause exists for the  
749 violation of a provision of this part, the board shall initiate hearings to  
750 determine whether there has been a violation of this part. Any such  
751 hearing shall be initiated by the board not later than thirty days after  
752 the finding of probable cause by a judge trial referee and shall be  
753 concluded not later than ninety days after its initiation, except that  
754 such thirty-day or ninety-day limitation period shall not apply if the  
755 judge trial referee determines that good cause exists for extending such  
756 limitation period. A judge trial referee, who has not taken part in the  
757 probable cause determination on the matter shall be assigned by the  
758 Chief Court Administrator and shall be compensated in accordance  
759 with section 52-434 out of funds available to the board and shall  
760 preside over such hearing and rule on all issues concerning the  
761 application of the rules of evidence, which shall be the same as in  
762 judicial proceedings. The trial referee shall have no vote in any  
763 decision of the board. All hearings of the board held pursuant to this  
764 subsection shall be open. At such hearing the board shall have the  
765 same powers as the Office of State Ethics under subsection (a) of this  
766 section and the respondent shall have the right to be represented by  
767 legal counsel, the right to compel attendance of witnesses and the  
768 production of books, documents, records and papers and to examine  
769 and cross-examine witnesses. Not later than ten days prior to the  
770 commencement of any hearing conducted pursuant to this subsection,  
771 the Office of State Ethics shall provide the respondent with a list of its  
772 intended witnesses. The judge trial referee shall, while engaged in the  
773 discharge of the duties as provided in this subsection, have the same  
774 authority as is provided in section 51-35 over witnesses who refuse to  
775 obey a subpoena or to testify with respect to any matter upon which  
776 such witness may be lawfully interrogated, and may commit any such  
777 witness for contempt for a period no longer than thirty days. The  
778 Office of State Ethics shall make a record of all proceedings pursuant  
779 to this subsection. During the course of any such hearing, no ex-parte  
780 communication shall occur between the board, or any of its members,

781 and: (1) The judge trial referee, or (2) any staff member of the  
 782 Enforcement Division of the Office of State Ethics, concerning the  
 783 complaint or the respondent. The board shall find no person in  
 784 violation of any provision of this part except upon the concurring vote  
 785 of [two-thirds] six of its members present and voting. No member of  
 786 the board shall vote on the question of whether a violation of any  
 787 provision of this part has occurred unless such member was physically  
 788 present for the duration of any hearing held pursuant to this  
 789 subsection. Not later than fifteen days after the public hearing  
 790 conducted in accordance with this subsection, the board shall publish  
 791 its finding and a memorandum of the reasons therefor. Such finding  
 792 and memorandum shall be deemed to be the final decision of the  
 793 board on the matter for the purposes of chapter 54. The respondent, if  
 794 aggrieved by the finding and memorandum, may appeal therefrom to  
 795 the Superior Court in accordance with the provisions of section 4-183."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	53a-146
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2008</i>	1-79(k)
Sec. 8	<i>July 1, 2008</i>	1-225
Sec. 9	<i>July 1, 2008</i>	9-622
Sec. 10	<i>July 1, 2008</i>	1-79(e)
Sec. 11	<i>July 1, 2008</i>	1-91(g)
Sec. 12	<i>July 1, 2008</i>	1-84b(f)
Sec. 13	<i>from passage</i>	1-82(a) and (b)
Sec. 14	<i>from passage</i>	1-93(a) and (b)